

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CHRYSTI STEVENSON (DAY),)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-07-921-D
)	
MICHAEL J. ASTRUE, Commissioner,)	
Social Security Administration,)	
)	
Defendant.)	

ORDER

Plaintiff brought this action for review of the decision of the Commissioner of Social Security Administration (“Commissioner”) denying Plaintiff’s application for benefits under the Social Security Act. On March 13, 2008, the Court entered its Order [Doc. No. 16] reversing the Commissioner’s decision and remanding this matter for further proceedings.

Plaintiff has now filed a revised application¹ [Doc. No. 19-2] for an award of attorney fees pursuant to 28 U.S.C. § 2412(d), the Equal Access to Justice Act (“EAJA”). EAJA permits an award of attorney fees to a prevailing plaintiff in certain actions against the government, including Social Security claims. As a “prevailing party” within the meaning of EAJA, Plaintiff is entitled to an award of reasonable attorney fees.

Plaintiff’s counsel submits supporting documentation for the requested fee award of \$5,643.00 for legal services performed in this case. The documentation itemizes the legal services performed on behalf of Plaintiff, the dates of such services, and the time incurred in the performance

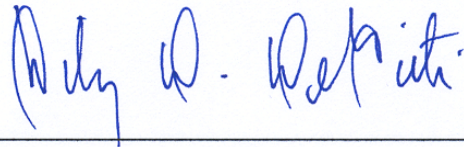
¹Plaintiff’s initial application was rejected by the Court because it did not include the required documentation reflecting the work performed and the time incurred in the performance of that work.

of each listed item of legal services.

Defendant Commissioner has filed a response [Doc. No. 23] to the Application, stating that he does not object to Plaintiff's recovery of a reasonable attorney fee. He also expressly states that he has no objection to the \$5,643.00 fee requested.

Having reviewed Plaintiff's Application and the supporting documentation for the fee requested, the Court finds that the requested fee of \$5,643.00 is supported by the evidence submitted by Plaintiff and that same represents a fair and reasonable fee for the services rendered. Accordingly, Plaintiff's revised Application [Doc. No. 19-2] for an award of EAJA fees in the amount of \$5,643.00 is GRANTED. The amount of \$5,643.00 shall be paid directly to Plaintiff as the prevailing party herein.

IT IS SO ORDERED this 2nd day of May, 2008.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

